

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **CV 22-4909 DMG (KSx)** Date **August 26, 2022**

Title ***G. Ashley v. Michel Rey Moore, et al.*** Page **1 of 2**

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

**KANE TIEN**  
Deputy Clerk

**NOT REPORTED**  
Court Reporter

Attorneys Present for Plaintiff(s)  
None Present

Attorneys Present for Defendant(s)  
None Present

**Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE RE *IN FORMA PAUPERIS* REQUEST [19]**

This matter is before the Court on Plaintiff's request to proceed *in forma pauperis* ("IFP"). [Doc. # 19.] Plaintiff, who is represented by counsel, initiated this action on July 18, 2022 but failed to pay the filing fee or request to proceed IFP. [See Doc. # 1.] On July 22, 2022, the Court issued a show cause order ("OSC"), requiring Plaintiff to pay the filing fee or submit an application to proceed IFP by August 5, 2022 or this matter would be dismissed without prejudice.

On July 22, 2022, plaintiff's counsel responded to the OSC, stating that Plaintiff had been unable to return the IFP form to counsel because Plaintiff "is incarcerated." [Doc. # 13.] On August 24, 2022, the Court again issued an OSC for Plaintiff to pay the filing fee or file a "proper" request to proceed IFP by August 30, 2022. [Doc. # 18.] Plaintiff has now submitted a completed IFP form, but he has not used the proper form for a civil action in which the plaintiff is incarcerated. [See Doc. # 20.] Unlike for non-incarcerated IFP plaintiffs, permission to proceed IFP for an incarcerated plaintiff is permission to satisfy the filing fee in installments—not a waiver of the filing fee in its entirety.

Although Plaintiff's IFP form contains a third page, the third page is illegible, and the initial two pages indicate that he completed the form for a civil plaintiff who is not incarcerated. An incarcerated plaintiff must, among other things, authorize prison officials to collect monthly payments to satisfy the filing fee for the case and, unless incarcerated in certain institutions, must provide a copy of the prison trust account statement for the prior six months and an authorized officer's certification.<sup>1</sup> Without this information, the Court cannot rule on Plaintiff's IFP request.

<sup>1</sup> Form CV-60P is available on the District's website.

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Therefore, the Court **ORDERS** as follows: on or before **September 23, 2022**, Plaintiff shall show cause why the Court should not deny the IFP request [Doc. # 19] in light of the discussion above. Alternatively, the Court will discharge this show cause order if Plaintiff timely files an appropriate IFP form for a person who is incarcerated or pays the filing fee. **Failure to timely comply with this Order shall result in the dismissal of this action without prejudice.**

**IT IS SO ORDERED.**